



(b) If you entered a guilty plea to one count or charge, and a not guilty plea to another count or charge, give details:

NA

6. If you went to trial, what kind of trial did you have? (Check one)

(a) Jury ☒

(b) Judge only ☐

7. Did you testify at the trial? Yes ☐ No ☒

8. Did you file a direct appeal to the Michigan Court of Appeals from the judgment of conviction? Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Date you filed: December 12, 2014

(b) Docket or case number: 322629

(c) Result: Denied

(d) Date of result: November 17, 2015

(e) Grounds raised: Ineffective Assistance of Defense Counsel for Failing to Investigate, Call Supporting Witnesses and Failed to Cross Examine Primary Witness. Also, Ineffective Assistance of Defense Counsel Failure to Seek Ginther Hearing and Deprived Him of the Necessary Record Support for his claim of IAC.

Please submit, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(g) Did you seek further review of the decision on appeal by the Michigan Supreme Court? Yes ☒ No ☐

If yes, answer the following:

(1) Date you filed: unknown

(2) Docket or case number: 153010

(3) Result: denied

(4) Date of result: June 28, 2016



(5) Grounds raised: Ineffective Assistance of both Defense and  
Appellate Counsel.

Please submit, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If yes, answer the following:

(1) Date you filed: \_\_\_\_\_

(2) Docket or case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

10. Did you file a motion for relief from judgment pursuant to Subchapter 6.500 of the Michigan Court Rules with respect to the judgment of conviction and sentence? Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Date you filed: Thereabout November 20, 2017

(2) Name of court: Third Circuit Court for the County of Jackson

(3) Docket or case number: 13-003884-FC

(4) Grounds raised: 11 contentions of Ineffective Assistance of

Appellate Counsel, inter alia, Trial Counsel's failure to seek

DNA Testing; Trial Counsel's Failure to Impeach Witnesses;

Insufficiency of Evidence; not Raising Brady Violation; Lack of

Discovery at Trial; Failure to Object to State not Admitting Evidence

(5) Did you receive a hearing where evidence was given on your motion? Yes ☐ No ☒

(6) Result: \_\_\_\_\_

(6) Date of result: \_\_\_\_\_

Please submit, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(b) If you sought further review of the decision in the Michigan Court of Appeals, please answer the following:

- (1) Date you filed: unknown
- (2) Docket or case number: 344898
- (3) Result: denied
- (4) Date of result: October 17, 2018
- (5) Grounds raised: Ineffective Assistance of Counsel - Appellate Counsel's Failure to Show How Trial Counsel Failed to Assert DNA Testing to Prove His Innocence and, Ineffectiveness for Defense Counsel's Failure to Call Three Favorable and Known Witnesses.

Please submit, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(c) If you sought further review of the decision in the Michigan Supreme Court, please answer the following:

- (1) Date you filed: unknown
- (2) Docket or case number: 158810
- (3) Result: denied
- (4) Date of result: July 29, 2019
- (5) Grounds raised: IAC - Trial Counsel's Failure to Seek DNA Testing to Prove His Innocence; and Counsel's Failure to Call Three Known and Favorable Witnesses.

Please submit, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

12. Other than a direct appeal or a motion for relief from judgment, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? Yes ☒ No ☐
13. If your answer to 12 was "yes," give the following information: [Attach additional sheets of paper, if necessary, to answer the following for each petition, application, or motion you filed.]

- (a) (1) Date you filed: November 16, 2017
- (2) Name of court: U.S. District Court, Western District of Michigan
- (2) Docket or case number: 1:17-cv-855
- (3) Nature of the proceeding: Motion for Stay and abeyance



(4) Grounds raised: Return to Trial Court to Exhaust unexhausted  
State Allegations of Ineffective Assistance of Counsel.

(5) Did you receive a hearing where evidence was given on your motion? Yes ☐ No ☒

(6) Result: Granted

(7) Date of result: December 5, 2017

Please submit, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(b) Did you appeal to the highest court having jurisdiction the result of action taken on any petition, application or motion?  
Yes ☐ No ☒

If yes, please provide the following:

(1) Date you filed: \_\_\_\_\_

(2) Name of court: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result and case number: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

Please submit, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(c) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

The U.S. District granted an Order to Stay allowing Petitioner to  
Return to the State Court and Exhaust Unexhausted Claims.

14. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

**GROUND ONE: PETITIONER WAS CONSTRUCTIVELY DENIED COUNSEL AT THE CRITICAL PRETRIAL PREPARATION STAGE OF THE PROCEEDING WHEN HE ENTIRELY FAILED TO CONSULT WITH PETITIONER PRIOR TO THE START OF TRIAL.**

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_

In the instant case, a constructive denial of counsel occurred. This is true, and the record evidence supports this claim. The Sentencing Transcript of June 19, 2014, p. 10, says it all. Without a single word in dispute, Defense Counsel, Alfred P. Brandt, heard his client say the following: "Out of five months he (Counsel Brandt) came to over one time, which was the day before trial." (See, ST, 6/19/14, p. 10). See, attached additional pages.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ~~XX~~ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Ineffective Assistance of Appellate Counsel, failed to raise the Sixth Amendment claim. Claim was raised in Standard IV Supplemental Brief.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in a motion for relief from judgment pursuant to Subchapter 6.500 of the Michigan Court Rules? Yes ☒ No ~~XX~~

(2) If your answer to Question (d)(1) is "Yes," state:

Date motion was filed: unknown

Name and location of the court where the motion was filed: 4th Judicial Circuit Court for County of Jackson. Jackson, Michigan. Michigan Court of Appeals

Docket or case number: 2013-3884-FC 322629

Result (attach a copy of the court's opinion and order, if available): denied

Date of result: 11/17/15

(3) Did you receive a hearing on your motion? Yes ☐ No ☒

(4) Did you appeal from the denial of your motion? Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☒ No ☐



If yes, answer the following:

Date you filed: XXXX XX XXXX unknown

Name and location of court: Michigan Supreme Court

Docket or case number: 153010

Result (attach a copy of the court's opinion and order, if available) : denied

Date of result: June 28, 2016

(d) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: \_\_\_\_\_

(e) If you did not exhaust your state remedies on Ground One, explain why: \_\_\_\_\_

**GROUND TWO: Appellate Counsel Rendered Deficient Performance Which Prejudiced Petitioner When Trial Counsel Failed to Move for DNA Testing of the Green Jacket In Violation of the Sixth Amendment.**

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim): \_\_\_\_\_

Petitioner contends that had court-appointed counsel moved the court for DNA testing of the greencoat it would have established that his blood was not on the coat given the dog bites, because the coat did not fit him and the police officer's own testimony demonstrates that petitioner's own coat had no bite marks.

If DNA testing had been established, there is a reasonable likelihood that the jury would have reasonable doubts of his guilt.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in a motion for relief from judgment pursuant to Subchapter 6.500 of the Michigan Court Rules? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Date motion was filed: \_\_\_\_\_

Name and location of the court where the motion was filed: \_\_\_\_\_

\_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available): \_\_\_\_\_

\_\_\_\_\_

Date of result: \_\_\_\_\_

(3) Did you receive a hearing on your motion? Yes ☐ No ☐

(4) Did you appeal from the denial of your motion? Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐

If yes, answer the following:

Date you filed: \_\_\_\_\_

Name and location of court: \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available) : \_\_\_\_\_

\_\_\_\_\_

Date of result: \_\_\_\_\_

**(d) Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: \_\_\_\_\_

\_\_\_\_\_

**(e)** If you did not exhaust your state remedies on Ground Two, explain why: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**GROUND THREE: Appellate and Defense Counsel Ineffectiveness for**

**Failing to Impeach the Arresting Officer, Galbreath, as to Whether He Actually Removed the Green Jacket of Petitioner in Police Custody.**

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim): \_\_\_\_\_

**As to issue III, the state court's application of clearly established federal law was objectively unreasonable. Petitioner alleges that**

**trial counsel was ineffective for not impeaching the prosecution's key witness that earlier testified favorably to the defense about a different colored jacket he removed off Petitioner while in police custody. An unreasonable application of federal law is different from an incorrect application of federal law. Habeas relief should**

(b) Direct Appeal of Ground Three: **issue here.**

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in a motion for relief from judgment pursuant to Subchapter 6.500 of the Michigan Court Rules? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Date motion was filed: \_\_\_\_\_

Name and location of the court where the motion was filed: \_\_\_\_\_

\_\_\_\_\_  
Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available): \_\_\_\_\_

\_\_\_\_\_  
Date of result: \_\_\_\_\_

(3) Did you receive a hearing on your motion? Yes ☐ No ☐

(4) Did you appeal from the denial of your motion? Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐

If yes, answer the following:

Date you filed: \_\_\_\_\_

Name and location of court: \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available) : \_\_\_\_\_

Date of result: \_\_\_\_\_

- (d) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: \_\_\_\_\_

- (e) If you did not exhaust your state remedies on Ground Three, explain why: \_\_\_\_\_

**GROUND FOUR: Appellate Counsel was Ineffective For Not Raising on Direct Appeal, the Prosecutor Knowing Used False Evidence to Obtain a Tainted Conviction and Failed to Correct the False Impression of Facts Left with the Court and Jury.**

- (a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim): Here, the arresting officer Galbreath committed perjury and the prosecutor knowingly allowed the false impression of facts to go uncorrected before the court and jury. The prosecutor's constitutional duty to report to the court whenever government witnesses lie under oath is not vitiated when defense counsel is or should be aware that the testimony is false and does nothing. The prosecutor has an independent duty to correct the false evidence when the false testimony appears.

- (b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Ineffective Assistance of Appellate Counsel.



(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in a motion for relief from judgment pursuant to Subchapter 6.500 of the Michigan Court Rules? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Date motion was filed: November 27, 2017

Name and location of the court where the motion was filed: Jackson County Circuit Court  
Jackson, MI.

Docket or case number: 13-003884-FC

Result (attach a copy of the court's opinion and order, if available): \_\_\_\_\_

Date of result: February 22, 2018

(3) Did you receive a hearing on your motion? Yes ☐ No ☒

(4) Did you appeal from the denial of your motion? Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐

If yes, answer the following:

Date you filed: unknown

Name and location of court: Michigan Court of Appeals

Docket or case number: 344898

Result (attach a copy of the court's opinion and order, if available) : \_\_\_\_\_

Date of result: October 17, 2018

(d) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: \_\_\_\_\_

sought leave to appeal before the Michigan Supreme Court which  
denied relief.

(e) If you did not exhaust your state remedies on Ground Four, explain why: \_\_\_\_\_

15. Have you previously filed any type of petition, application or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☐

If "Yes," state the date of filing, the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available: **GROUND FIVE**

**Appellate Counsel Failed to Raise Trial Counsel's Failure to Subpoena Mr. Taylor's Medical Records and Call Medical Personnel to Establish Defendant's Total Disability to not Being Able to Run or Physically Run From the Scene of the Robbery as Alleged By the Prosecutor.**  
**See, attachments for further facts.**

16. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, as to the judgment you are challenging? Yes ☐ No ☐

If "Yes," state the date of filing, the name and location of the court, the docket or case number, the type of proceeding, and the issues raised:

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17. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: 

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(b) At arraignment and plea: 

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(c) At trial: 

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(d) At sentencing: 

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(e) On appeal: 

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**GROUND FIVE, Continuation.**

Counsel has a Sixth Amendment constitutional duty to undertake a reasonable investigation into his client's case and background before making strategic legal decisions to give up a defense. The failure to investigate and present available evidence about Defendant Taylor's medical condition, which demonstrates that in 2013, as a result of being shot in the femoral artery, requiring three major surgeries and just missed amputation of his leg, Defendant was diagnosed with "restless leg syndrome," making it impossible for him to run again and forcing him to walk with a cane permanently, which he was doing at the time of his arrest, is particularly egregious in this case. The defense in this case was primarily mistaken identity; and given all the evidence, it seems doubtful that Defendant Taylor was the perpetrator.

Petitioner Taylor suffers from restless leg syndrome, a condition affecting people after they have recovered from being shot in the leg. The condition results in fatigue and total muscle weakness, both in the parts of the body affected by the restless leg syndrome and sometimes in other muscle groups as well. As a result of this condition, Mr. Taylor is required to walk permanently with a cane, which he was using when arrested. His condition is described as not resulting in a limp, but a "paralytic abnormal gait." In other words, completely unable to run.

Petitioner Taylor argues that he was denied effective assistance of counsel because trial counsel failed adequately to investigate the medical facts about restless leg syndrome and its effect on Taylor's

physical abilities. Taylor's attorney did not investigate because as shown in Ground One, he never appeared after five months of the pretrial preparation period until the day before trial was to start.

Indeed, counsel failed to obtain an opinion from any medical professional before trial on whether Taylor was able to perform the physical act necessary to run and escape committing an armed robbery. Nor was there any medical proof about how Taylor was able to run away from the scene in the matter described by the victim. Without this knowledge, or at least an opinion, counsel could not make a competent strategic decision on whether the information would have been helpful. Wores of all, there is no attempt by counsel to explain the disability condition or its effect on Taylor before the jury in the record. Had counsel talked to a medical professional he would have discovered that it would have been difficult, if not utterly impossible, for Taylor to commit the crime as described in the testimony.

Habeas relief should be issued on this issue.



This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white.

\*The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
- (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
- (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant him or her the relief to which he may be entitled in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on October 7, 2019 (month, date, year).

  
Signature of Petitioner

October 7, 2019  
Date

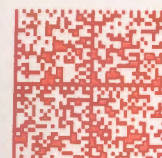
\_\_\_\_\_  
Signature of Attorney (if any)

If the person signing is not petitioner or an attorney, state relationship to petitioner and explain why petitioner is not signing this petition. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



MR. JOHNNY Taylor #195621  
C43 Harrison Correction Facility  
2727 E. Beetham Dr  
Adrian, MI 49221



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